

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NALANA OMEGA,

Petitioner,

v.

MICHAEL PALLARES,

Respondent.

No. 2:22-cv-0178-EFB P

ORDER

Mr. Omega is a state prisoner proceeding without counsel. This action was opened when he filed a petition for a writ of habeas corpus. ECF No. 1. However, he has not properly commenced this action.


First, the court cannot conduct the required review of the petition because it is not signed. *See* Fed. R. Civ. P. 11(a) (requiring that “[e]very pleading, written motion, and other paper . . . be signed by at least one attorney of record in the attorney’s name—or by a party personally if the party is unrepresented.”). Second, Mr. Omega must either file an in forma pauperis affidavit or pay the required filing fee (\$5.00). *See* 28 U.S.C. §§ 1914(a); 1915(a).

Until Mr. Omega submits a signed petition and either pays the filing fee or meets the requirements of 28 U.S.C. § 1915(a), there is simply no case before the court. *See* Fed. R. Civ. P. 3; Rule 3, Rules Governing § 2254 Cases; *Woodford v. Garceau*, 538 U.S. 202, 203 (2003).

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court shall strike the petition (ECF No. 1);
2. Within 30 days, Mr. Omega shall file a signed petition using the form employed by this court and stating all claims and prayers for relief;
3. Within 30 days of the date of this order, Mr. Omega shall either pay the \$5 filing fee or submit a complete application for leave to proceed in forma pauperis using the form provided;
4. Mr. Omega's failure to comply with this order may result in this case being closed; and
5. The Clerk of the Court is directed to send Mr. Omega the court's form application for writ of habeas corpus and application for leave to proceed in forma pauperis.

Dated: February 2, 2022.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE